

September 20, 2010 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, September 20, 2010 at 6:00 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Barbara A. VonVillas, Members Present

Councillor Robert J. Sylvia, Absent

EXECUTIVE SESSION

Executive Session Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4. and 42-46-5. (a) (5) lease (Crown Castle Cell Tower) and (5) lease (JFK School).

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01 P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:40 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7.

Vice Chairman Cambra requested to have items #4, #5, #6 and #7 be heard under the Town Council portion of the agenda.

CONSENT CALENDAR

1. Approval of Minutes – Regular Meeting, September 7, 2010.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.

2. Resolution of the Council, re: Proclaiming October as “Domestic Violence Awareness Month”.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

3. Communication Town Administrator, with enclosure, re: Middletown Public Library Repairs to Concrete Slab.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

4. Communication of Town Administrator, re: Contracted Services, Tax Assessor's Office.

Councillor Santos expressed concern that the communication concerning contracted services did not include contracted services within the Tax Collector's Office for sewer assessments. Ms. Santos also questioned if the consultants have completed their assignments.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that the consultants are still retained by the Town, due to

the current computer system and the Town moving to the opal system.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

5. Communication of Town Administrator, with enclosure, re: Physical Alteration Permit, Aquidneck School Property.

Councillor Santos questioned why the Aquidneck School parking alterations were not mentioned during budget discussions.

Town Administrator Shawn Brown, responding to Councillor Santos, noted that her inquiry should be directed to the School Committee.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said communication.

6. Communication of Town Administrator, with enclosures, re: Flash financial report-revenues – 2010 beach season.

Antone Viveiros, 110 Indian Hill Road, addressed the Council reviewing the FY2011 beach revenues.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

7. Communication of Town Administrator, with enclosures, re: Middletown Beach Commission – Campground.

Councillor Santos questioned if Mr. Brown was going to supply a recommendation for campground fees.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that there had been a discussion concerning campground fees with the Beach Commission, but no further action was taken. The Council has adopted a fee increase for the campground.

Antone Viveiros, 110 Indian Hill Road, reviewed the campground fees history within the Town. Mr. Viveiros noted concern with increased fees and Town spending, noting the West Main Road/Coddington Master Plan project.

Councillor Silveira, responding to Mr. Viveiros, explained that electricity is included in the campground fees and the fees are comparable with other cities and towns with similar facilities.

Vice Chaiman Cambra noted his agreement with Councillor Silveira explaining the fees are comparable with other cities and towns.

Town Administrator Shawn Brown noted that the West Main Road/Coddington Master Plan project was included in the budget. The project fees consisted of \$54,000. from grants and \$45,000. from the Town.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

TOWN COUNCIL

- 1. Application of Beach House Newport, LLC, dba Beach House, 42 West Main Road, for a Holiday License for the 2010-2011 licensing year. (NEW)**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

2. Application of James B. Lanagan, III dba J.B. Lanagan & Company, Inc., Dartmouth, MA, for a Drain Layers License for the 2010-2011 licensing year. (NEW)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license.

3. E-mail communication of Ellen Winsor, Founder, LNG WG, October 2009, with enclosure, re: Strategy against the Hess/Weaver's Cove LNG proposal for Council consideration.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

4. E-mail communication of Ellen Winsor, with enclosures, re: Resolutions (3) New Shoreham, Jamestown and Cranston in

opposition of LNG.

Councillor Silveira requested the Council take action to oppose the LNG.

Councillor VonVillas noted that she would not support a resolution unless it was prepared by the Congress of Councils in an official capacity.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

On motion of Councillor Silveira, duly seconded, it was voted to draft a resolution comparable to the enclosed resolutions, within the e-mail communication of Ellen Winsor, to be acted upon at the next regular meeting of the Council, October 4, 2010; Councillor VonVillas voted NO to said motion.

5. Communication of Town Administrator, with enclosure, re: School Department Fund Balance.

Town Administrator Shawn Brown reviewed the communication entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

Councillor VonVillas noted concern the Aquidneck Paving project and emergency repairs which were not discussed during the budget process. Ms. VonVillas requests further clarification from the School Committee.

Town Administrator Shawn Brown suggested the Council formalize questions to be submitted to the School Committee.

Manuel Mello, 31 Beacon Terrace North, addressed the Council expressing concern of the School department fund balance and the Aquidneck School paving project.

Edward Collins Middletown School Department Facilities Director explained that the project study was completed in 2004 for the Aquidneck School paving project. The funds for the project were allocated from the CIP.

Antone Viveiros, 110 Indian Hill Road, noted concerns with the Aquidneck School paving project and the School Department budget.

Councillor Silveira explained that the Council should not micro manage the School Committee, but respectfully communicate with the committee.

6. Memorandum of Town Administrator, with enclosures, re: Award of contract – Hanging Rocks Road Culvert Replacement.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

7. Resolution of the Council, re: Award of contract – Hanging Rocks Road Culvert Replacement.

On motion of Vice Chairman Cambra, duly seconded, it was voted to pass said resolution; Councillor Santos voted NO to said motion.

8. Communication of Town Administrator, with enclosures, re: Fire Department – Defibrillators.

Town Administrator Shawn Brown reviewed the communication and enclosure entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

9. Resolution of the Council, re: Fire Department – Defibrillators.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.

10. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36, Fee Schedule, Section 54, Burning Permit Fee.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council, October 4, 2010.

11. Communication of Town Administrator, with enclosure, re:§ 71.08 Driving on Streets Closed to Traffic Prohibited.

Town Administrator Shawn Brown reviewed the communication and enclosure entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

12. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 71, Traffic Regulations, Section 71.08, Driving on Streets Closed to Traffic Prohibited.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

13. Communication of Town Administrator, with enclosure, re: Town Ordinance – Motor Vehicle Exemption.

Town Administrator Shawn Brown reviewed the communication entered here:

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.

14. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 34, Taxes, Section 34.86, Motor Vehicle Excise Tax.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

15. Memorandum of Vice Chairman Cambra, re: School Supply Drive.

Vice Chairman Cambra thanked all who donated to the School Supply Drive.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said memorandum.

16. Memorandum of Vice Chairman Cambra, re: Norman Bird Sanctuary Annual Harvest Fair.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.

17. E-mail communication of Gretchen Jenkins, re: Resignation from the Substance Abuse Prevention Task Force.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication and accept resignation with regret.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

No one addressed the Council during this session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:16 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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